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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/500,179
Filing Date: December 08, 2004
Appellant(s): JOHNSON, PERRY L

Perry L. Johnson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 29, 2010 appealing from the Office action mailed August 16, 2010.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,765,138	Aycock	06-1998
US 6,154,753	McFarland, Jonna A.	04-2002
US 2002/0010614	Arrowood, Bryce A.	01-2002

US 2002/0138377

Weber, John R.

09-2002

Auditor selection and audit committee characteristics Abbott 2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 1** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et. al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) (Hereinafter referred to as Arrowood).

With respect to **claim 1**:

Aycock teaches "An audit quotation system" comprising:

"one or more computers configured to receive" client information including at least an industry code identifying a type of industry of a product or service provided by a client (Aycock Col. 3, lines 61-66, "a supplier interface, which may be in the form of an executable code or a protected data file"). (Aycock Col. 4, line 30, "The access routine selectively accesses the local specification files and the communication software to provide information to a user operating the word processing system based on user requests for information");

"generate" a formal quotation "using a computer database application" for an audit based on the client information and the "auditor" staffing requirements "information" (Aycock Col. 1, lines 45-48, "Vendor qualification typically involves the process of a purchasing agent identifying a set of technical requirements that need to be met, compiling the technical requirements into a request for proposal or a request for quotation");

Aycock disclose a type of quality audit wherein "the quality control capabilities of the supplier...the supplier quality maturity assessment process (SQ-MAP) process is applicable for assessing the quality process maturity level of hardware manufacturing and software developments" (Col. 5, lines 1-12); "a master set of supplier quality process maturity...may be established from a set of quality process such as ISO 9001 (Quality Systems), ISO 9000-1 (Quality Management and Quality Assurance)...guidelines of ISO 9001 to the development, supply and maintenance" (Col. 5, lines 19-36); a physical audit at the supplier site is conducted. The on-site audit, also referred to as a supplier site evaluation, is typically performed by the purchasing agent and/or employees/consultants...specialized in relevant fields, such as design engineers, quality control engineers, etc" (Aycock Col. 9, lines 19-25).

Aycock does not further disclose a number of employees.

However, Arrowood teaches "a client monitor track references numbers for employees working for the client. Tracking system that allows firm managers to track all the employees who have worked at the firm according to such areas as dates worked, tasks performed" (Arrowood, ¶ 0015).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated a number of employees as taught by Arrowood, in order to facility easy online access for feedback on temporary employees, and to ensure quality control of employee's assignment, and since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock does not further disclose "receive" auditor staffing requirements "information, wherein the auditor staffing requirements information is" based on "the number of employees".

However, Arrowood teaches wherein "a process for employees or personnel to be selected to correspond to client or employer needs, and a process to collect and interpret feedback on employee, personnel and client, employer performance" (Arrowood, ¶ 0044).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated "receive" auditor staffing requirements "information, wherein the auditor staffing requirements information is" based on "the number of employees" as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock does not further disclose "store" formal quotation information in "the computer" database "application" for tracking existing and prospective clients.

However, Arrowood teaches the order is stored in the database in the order data. The candidate employee information is then stored as the Assigned Candidate Profile. (Arrowood, ¶¶ 0112-0113); the prospective employee/personnel may be requested to fill out the online application, experience evaluation form, and perhaps do the test materials. (Arrowood, ¶ 0118)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated a “store” formal quotation information in “the computer” database “application” for tracking existing and prospective clients as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

Aycock does not further disclose “transmit the” formal audit quotation to a salesperson for delivery to the client.

However, Arrowood teaches a candidate is selected by the client; preferably an assignment confirmation letter is transmitted, electronically or otherwise. The system also disburses an e-mail message to the employee confirming the assignment, describing the client, described client location, detailing access for that client. (Arrowood, ¶¶ 0121-0123)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock to have incorporated an “transmit the” formal audit quotation to a salesperson for delivery to the client as taught by Arrowood, since the claimed invention is merely a combination of old elements, and in the combination each element

merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

3. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) as applied to claim 1 above and further in view of McFarland et al. (US 6,154,753) (Hereinafter referred to as McFarland).

With respect to **claim 9**:

The Aycock and Arrowood combination does not further disclose “system” of claim 1 wherein the industry code comprises the Standard Industrial Classification (SIC) code established by the United States Department of Commerce.

However, McFarland teaches a computer implemented system and method and a computer readable medium configured to substantially obviate one or more of the problems in complying with the requirements of ISO 9000 and corresponding standard requirements. (McFarland Col. 3, lines 49-53); (See Abstract, “A computer implemented system and method and a computer readable medium for complying with the requirements of a quality standard known as ISO 9000”).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated a “system” wherein the industry code comprises the Standard Industrial Classification (SIC) code established by the United States Department of Commerce as taught by McFarland, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

With respect to **claim 10**:

The Aycock and Arrowood combination does not further disclose the “system” of claim 1 wherein the type of audit is selected from an environmental audit, a quality system audit, a pre-assessment audit, an initial registration audit, a registration upgrade audit, and a surveillance audit.

However, McFarland teaches an audit trail by storing and making available previous iterations of current documents as child documents, insuring that the first issue, subsequent changes to content, movement to draft status, reprieve, and reissue are available for auditing the activities of the business. (See McFarland, abstract); the project management creates and audit trail for all project activities, and enhances on organizations ability to take advantage of lessons learned on previous projects. (McFarland Col. 28, lines 48-51).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated wherein the type of audit is selected from an environmental audit, a quality system audit, a pre-assessment audit, an initial registration audit, a registration upgrade audit, and a surveillance audit as taught by McFarland, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

4. **Claim 11** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) as applied to claim 1 above and further in view of Weber et al. (US 2002/0138377) (Hereinafter referred to as Weber).

With respect to **claim 11**:

The Aycock and Arrowood combination does not further disclose the “system” of claim 1 wherein the industry code includes a hierarchical classification system having major and minor classifications.

However, Weber teaches the security setting table also comprises a security level field. The security level field is utilized to store different security levels that are to be assigned to users of the auditing system (FIG. 1). (Weber ¶ 0033)

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of Aycock and Arrowood to have incorporated 1 wherein the industry code includes a hierarchical classification system having major and minor classifications as taught by Weber, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

5. **Claim 12** is rejected under 35 U.S.C. 103(a) as being obvious over Aycock et al. (US 5,765,138) in view of Arrowood et al. (US 2002/0010614) in view of Weber et al. (US 2002/0138377) as applied to claim 11 above and further in view of Auditor selection and audit committee characteristics (Hereinafter referred to as Abbott).

With respect to **claims 12**:

Weber further teaches requesting the user of the system to provide a job code for each of the selected employed entities to further define the queries that may be selected for auditing each of the selected employed entities. (Weber, ¶ 0010)

Weber does not further disclose the “system” of claim 11 “wherein the one or more computer are” further “configured to assign” auditors based on the industry code.

However, Abbott teaches Industry membership was determined based on the two digit Standard Industrial Classification (SIC) code listed on Comp stat. The two digits SIC codes were then grouped based on the Big 6 audit firms' self reported focus industries presented in Hogan and Jeter (1997) and used in Franz et al. (1998). Hogan and Jeter (1997) devised this industry classification scheme based upon target industries as reported by each Big 6 firm. This method results in a total of 12 industry codes. (See Abbott, Auditor selection and audit committee characteristics, page 52). This study focuses on one frequently noted function of the audit committee: auditor selection. Auditors who specialize in the client's industry are expected to provide a higher level of audit quality than do no specialists. (See Abbott, Abstract).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention to have modified the system of the combination of Aycock, Arrowood and Weber to have incorporated “wherein the one or more computer are” further “configured to assign” auditors based on the industry code as taught by Abbott, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combinations were predictable.

10) Response to Argument

In the Appeal Brief, Appellant argues:

Aycock et al. does not disclose or teaches about “receive client information including an industry code identifying a type of industry of a product or service provide by a client”.

Examiner respectfully disagrees for the following reasons: Aycock teaches wherein “a supplier interface enabling remote access via network; upon receiving a proper access code, the supplier interface enables a supplier to electronically download the request for proposal (RFP) or request for quotation (RFQ), which may be in the form of an executable code or protected data file; ...in order to receive information on existing vendor performance report or products updates” (Aycock Col. 10, lines 55-67); “a supplier interface, which may be in the form of an executable code or a protected data file” (Aycock Col. 3, lines 61-66); “the access routine selectively accesses the local specification files and the communication software to provide information to a user operating the word processing system based on user requests for information” (Aycock Col. 4, lines 30-33).

In the Appeal Brief, Appellant argues:

Aycock et al. does not disclose or teach about receiving client information including a type of quality audit.

Aycock teaches wherein “a physical audit at the supplier site is conducted. The on-site audit, also referred to as a supplier site evaluation, is typically performed by the purchasing agent and/or employees/consultants...specialized in relevant fields, such as design engineers, quality control engineers, etc” (Aycock Col. 9, lines 19-25); “the quality control capabilities of the supplier...the supplier quality maturity assessment process (SQ-MAP) process is applicable for

assessing the quality process maturity level of hardware manufacturing and software developments” (Col. 5, lines 1-12); “a master set of supplier quality process maturity...may be established from a set of quality process such as ISO 9001 (Quality Systems), ISO 9000-1 (Quality Management and Quality Assurance)...guidelines of ISO 9001 to the development, supply and maintenance” (Col. 5, lines 19-36).

In the Appeal Brief, Appellant argues:

Aycock et al. does not disclose or teach about generating a formal quotation using a computer database application for an audit based on the client information and the auditor staffing requirements information.

In response to argument, examiner respectfully disagrees. Aycock discloses “ vendor qualification typically involves the process of a purchasing agent identifying a set of technical requirements that need to be met, compiling the technical requirements into a request for proposal or a request for quotation” (Aycock Col. 1, lines 45-48); “a supplier may selectively access local database files on the CD-ROM for information..., or may remotely access the supplier evaluation system databases for supplemental information” (See abstract); “after the necessary quality maturity requirements have been selected...the process continues to apply the requirements to the request for proposal/request for quotation (RFP/RFQ), ... the supplier responses may be in written form, or may be electronically stored on a tangible medium, such as a floppy diskette, a non-volatile memory card, etc” (Col. 5, lines 66-67 to Col. 6, lines 1-13); Aycock disclose “vendor qualification typically involves the process of a purchasing agent

identifying a set of technical requirements that need to be met, compiling the technical requirements into a request for proposal or a request for quotation” (Aycock Col. 1, lines 45-48).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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